

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jessica Long	Team: Team # 3	CCRB Case #: 200204451	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 06/27/2002 6:15 AM	Location of Incident: § 87(2)(b)	Precinct: 73	18 Mo. SOL 12/27/2003	EO SOL 12/27/2003	
Date/Time CV Reported Fri, 06/28/2002 1:00 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 07/03/2002 1:19 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. Officer			
2. SGT Rodney Harrison	03868	901066	073 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Jamie Alexandersen	27955	921112	073 PCT
2. POM James McGarry	24437	919387	073 PCT
3. POM David Centeno	27975	921207	073 PCT
4. POM Michael Colucciello	27427	903659	073 PCT
5. POM Brandon Bersch	19452	903433	073 PCT
6. DTS Richard Miller	89410	894190	E S U
7. POM Patrick Coleman	19077	903644	ESS 06
8. DTS Edward Menze	06886	886088	ESS 05
9. SGT Juan White	03947	912876	ESS 04
10. POM Terence Brill	30297	903487	ESS 05

Officer(s)	Allegation	Investigator Recommendation
A. SGT Rodney Harrison	Abuse: Sgt. Rodney Harrison authorized the forcible entry and search of § 87(2)(b)	§ 87(2)(b)
B. Officer	Discourtesy: An officer spoke obscenely and/or rudely to § 87(2)(b) and § 87(2)(b)	§ 87(2)(b)
C. Officer	Force: An officer used physical force against § 87(2)(b)	§ 87(2)(b)
D. Officer	Force: An officer struck § 87(2)(b) with a gun.	§ 87(2)(b)
E. Officer	Off. Language: An officer made remarks to § 87(2)(b) based upon sex.	§ 87(2)(b)

Synopsis

On June 27, 2002, at approximately 6:15 AM, officers for the Emergency Services Unit Apprehension Team entered and secured the location of § 87(2)(b) in Brooklyn. The officers were to secure the location in order for officers from the 73rd Precinct to execute a search warrant. In the apartment at the time the premises was secured, was § 87(2)(b) her son, § 87(2)(b) her friend, § 87(2)(b) and her other son's girlfriend, § 87(2)(b) § 87(2)(b) stated that an officer threw her to the floor, kicked her and told her to "shut the fuck up." § 87(2)(b) stated that an officer told him to "shut the fuck up," and struck him with what felt like a gun. § 87(2)(b) stated that when she was put to the floor, her nightgown lifted, exposing her buttock and that an officer stated that she had a "nice butt." § 87(2)(b) stated that he heard an officer state that he saw "pussy and ass." § 87(2)(b)

(g)

Summary of Complaint

§ 87(2)(b) a § 87(2)(b) year old § 87(2)(b) residing at § 87(2)(b) in Brooklyn, was interviewed at the CCRB on July 11, 2002 (see enc. 6A-C). § 87(2)(b) was also interviewed by IAB on June 27, 2002 (see enc. 5A-C). § 87(2)(g)

§ 87(2)(b) stated that on June 27, 2002 at approximately 6:15 AM, she was at home while getting ready for work. § 87(2)(b) was wearing a short nightgown with no undergarments and she was about to iron her skirt. Her son, § 87(2)(b) was asleep in one bedroom, while her eldest son's girlfriend, § 87(2)(b) was asleep in another bedroom. Her eldest son was at work. § 87(2)(b)'s friend, § 87(2)(b) was asleep in her bedroom.

§ 87(2)(b) heard some movement at her front door. She heard a thump, her doorknob moved, and then there was a click. When § 87(2)(b) asked who was there, the door was broken open and more than five, possibly more than ten officers entered her apartment. All the officers that initially entered the apartment were dressed in black and wearing helmets. PO#1 pointed a gun in the face of § 87(2)(b) PO#1 said, "Get on the floor," and § 87(2)(b) replied that she was getting ready for work. PO#1 stated "Shut the fuck up and get on the floor." PO#1 shoved § 87(2)(b) on her upper right side near her shoulder. § 87(2)(b) then got onto the floor facedown on her own accord. PO#1 kicked § 87(2)(b) in her left side near her waistline, and then handcuffed her. § 87(2)(b) did not resist the officer and she did not sustain any injury.

§ 87(2)(b) heard the officers going into the bedrooms and yelling at people to get on the floor. She then heard scuffling in § 87(2)(b) bedroom. § 87(2)(b) dog, a pitbull, was in the bedroom with him. The dog was tied up under the bed so that it wouldn't jump on the bed while § 87(2)(b) was sleeping. It sounded like the officers were reaching under the bed to get the dog. § 87(2)(b) said the dog is very timid. § 87(2)(b) heard § 87(2)(b) offer to get the dog, and an officer said, "You say another fucking word and I'll shoot the dog." § 87(2)(b) then heard the dog choking. § 87(2)(b) heard an officer yell for the kennel to be brought up.

A few minutes later, an officer who was wearing a black uniform and a helmet approached § 87(2)(b) and called another officer over. One of the officers said, "nice butt," as § 87(2)(b) wasn't wearing any underwear. § 87(2)(b) could not see the officer who made this comment.

Sgt. Rodney Harrison (he identified himself as such to § 87(2)(b)) entered the apartment along with officers identified during the investigation as PO Jamie Alexandersen, PO James McGarry, PO Denise Weston, PO David Centeno, PO Michael Colucciello and PO Brandon Bersch. § 87(2)(b) was taken off the floor and sat on the sofa. A few minutes later, § 87(2)(b) was taken out of the bedroom and sat with § 87(2)(b) and after that § 87(2)(b) was brought out and sat across from § 87(2)(b)

Officers searched the premises, § 87(2)(e), § 87(2)(f)

§ 87(2)(b) was arrested on an unrelated warrant.

In the statement provided to IAB, § 87(2)(b) indicated that the first officer in the apartment stated, "Get down on the fucking floor. Get the fuck down." He also stated, "Shut the fuck up," and "I don't have to tell you a motherfucking thing." § 87(2)(b) told the CCRB that this officer only stated, "Shut the fuck up and get on the floor." While § 87(2)(b) told the CCRB that she heard an officer state to § 87(2)(b) "You say another fucking work and I'll shoot the dog," she made no mention of this in her IAB statement. § 87(2)(b) informed IAB that § 87(2)(b) had told her that an officer had punched him in the face, but she never informed the CCRB of this. § 87(2)(b) made no mention of an officer stating she had a "nice butt," in her IAB interview. IAB took photographs of § 87(2)(b) (see enc. 5D) but there are no visible injuries.

Results of Investigation

Civilian Statements

§ 87(2)(b) a § 87(2)(b) year old § 87(2)(b) male residing at § 87(2)(b) was interviewed at the CCRB on July 11, 2002 (see enc. 9A-B). § 87(2)(b) was also interviewed by IAB on June 27, 2002 (see enc. 8A-B). § 87(2)(g)

§ 87(2)(b) stated that on June 27, 2002, he was asleep in his bedroom when approximately six officers came through his bedroom door. The officers were dressed in all black, and some of them were wearing helmets. The officers said, "Freeze. Get down," but § 87(2)(b) was already lying down on his bed. § 87(2)(b) was placed in handcuffs, and he asked the officers to allow him to get up in order to move his dog, which was under the bed. The dog was not tied up. The dog was a pitbull who § 87(2)(b) described as friendly. An officer replied, "Shut the fuck up and don't get up before they shoot the dog." § 87(2)(b) did not see this officers face, as he was face down the whole time. An officer hit § 87(2)(b) in his back with what felt like the tip of the officer's gun. § 87(2)(b) could not see the officer that hit him. § 87(2)(b) dog was not barking, "it only got wild when they went under the bed." The officers went under the bed and § 87(2)(b) heard a boom. § 87(2)(b) saw the dog shot with a tranquilizer gun and then something was placed around the dog's neck. § 87(2)(b) heard the dog choking and gagging. The dog was then removed from the premises.

While § 87(2)(b) was lying on the bed, he heard one officer ask another officer, what he had seen in the other room. The officer replied that he saw "pussy and ass." § 87(2)(b) did not know what officer said this. These officers were referring to § 87(2)(b) mother, § 87(2)(b)

§ 87(2)(b) was brought into the dining room and he was asked if he had any guns in the house to which he replied that he did not. § 87(2)(b) was in her nightclothes and on the floor, and her backside was exposed. The officers searched the premises for approximately half an hour, and they then departed the scene.

A photograph was taken of § 87(2)(b) and § 87(2)(b) back by the CCRB on July 11, 2002 (see enc. 9C). There is a visible oblong-shaped mark to § 87(2)(b) back, which § 87(2)(b) stated was a bruise that he sustained from being struck with a gun. However, this mark did not resemble a bruise to the Investigator.

While § 87(2)(b) stated to IAB that he was punched in the face, he made no mention of this to CCRB. § 87(2)(b) had informed the CCRB that an officer stated that he saw "pussy and ass" referring to § 87(2)(b)

§ 87(2)(b) but § 87(2)(b) had made no mention of this in his IAB interview. IAB took photographs of § 87(2)(b) (see enc. 5E) but there were no visible injuries in the photographs.

§ 87(2)(b)
§ 87(2)(b) a § 87(2)(b) year old § 87(2)(b) female residing at § 87(2)(b) was interviewed at the CCRB on July 11, 2002 (see enc. 10A-C). § 87(2)(b) stated that on June 26, 2002, she was asleep in her boyfriend's room at § 87(2)(b). At 6:15 AM, § 87(2)(b)'s boyfriend already went to work when she heard rumbling in the living room.

An officer kicked open the bedroom door where § 87(2)(b) was sleeping, and told her to lie down and not to move. § 87(2)(b) could not see how many officers were in the room because an officer was shining a light in her face, which was attached to a gun that was also pointed at § 87(2)(b). This officer was wearing riot gear and had a helmet on that covered his face. § 87(2)(b) was placed in handcuffs. An officer opened the shades in the bedroom and told an officer on the fire escape to bring up the kennel for the dog. An officer told § 87(2)(b) to stand up and she did. An officer lifted up the bed and then he told her to sit down, which she did. He then made her get up and sit down a second time. An officer said that everything was all right in the bedroom and he walked out. As the officers in the SWAT gear were leaving, plainclothes officers entered the bedroom. One of the plainclothes officers asked § 87(2)(b) if there was anything in the room and she replied that she did not live there and it was her boyfriend's house. The officer again asked if there was anything in the room and she said that she did not know. He informed § 87(2)(b) that if anything was found, she could be arrested for it.

§ 87(2)(b) did not hear anything that was going on with § 87(2)(b) or § 87(2)(b) while she was in the bedroom. § 87(2)(b) saw the dog being dragged out of the house as she was in the first bedroom and could see what went by. The dog looked unconscious.

§ 87(2)(b) was taken into the living room and sat down on the couch next to § 87(2)(b). § 87(2)(b) was sitting in the chair next to the couch. § 87(2)(b) was sitting in a chair close to the door. The officers then searched the premises. When the officers concluded searching the apartment, they asked § 87(2)(b) for her pedigree information and checked her for warrants. After she was cleared for warrants, the handcuffs were removed from § 87(2)(b). She was then allowed to go tell her mother and her aunt, who were in the hallway, that she was all right.

§ 87(2)(b)
Attempts to interview § 87(2)(b) have not been successful. On July 11, 2002, § 87(2)(b) called the Investigator after § 87(2)(b) provided the phone number to him. At this time § 87(2)(b) provided his phone number to the Investigator and an interview appointment was arranged with § 87(2)(b) for July 12th. On July 12th, § 87(2)(b) did not appear for his interview. A call was placed to § 87(2)(b) on July 22nd, but a recorded message indicated that the number was temporarily out of service. A call was made to § 87(2)(b) on July 29th, and a recorded message stated that the number had been disconnected and was no longer in service. On August 16th, the command log was received from the 73rd Precinct (see enc. 35), which indicated § 87(2)(b) address. On August 16th, a please call letter was sent to § 87(2)(b) and on August 27th, a final please call letter was sent to § 87(2)(b). On September 3rd, one of the letters addressed to § 87(2)(b) was returned to the agency because of an "insufficient address." On September 23rd, the second letter addressed to § 87(2)(b) was returned to the agency because of an "insufficient address."

Photographic Arrays

On March 25, 2003, § 87(2)(b) was shown ten single officer photographs (see enc. 6D-I). Seven of the officer photographs were of the ESU officers on the scene on the date of occurrence, and three of the photographs were of filler officers. § 87(2)(g)

§ 87(2)(b) stated that she did not see the officers in the photographs that had used force or discourteous language with her.

§ 87(2)(b) was not shown officer photographs because he had stated in his CCRB interview that his head was down the entire time and he was unable to see the officer who used force with him, the officer who used discourteous language with him, or the officer made remarks about § 87(2)(b)'s body parts. Photographs were not shown to § 87(2)(b) because she was not present when any of the allegations were committed.

Officer Identification

Sgt. Rodney Harrison was identified through § 87(2)(b)'s CCRB statement. PO Jamie Alexandersen, PO James McGarry, PO David Centeno, PO Michael Colucciello, and PO Brandon Bersch were identified through Sgt. Harrison's CCRB statement. Det. Richard Miller, PO Patrick Coleman, Det. Edward Menze, Sgt. Juan White, PO Terence Brill, Det. Derek Dunston and Det. Jose Hernandez were identified through the Emergency Services Unit, Warrant Execution Request (see enc. 31).

Officer Statements

Precinct Officers

Sgt. Harrison was interviewed at the CCRB on August 21, 2002 (see enc. 12A-B). PO Centeno and PO Bersch were interviewed at the CCRB on September 3, 2002 (see enc. 16A-B). PO McGarry and PO Alexandersen were interviewed at the CCRB on September 5, 2002 (see enc. 18A-B, 20A-B). PO Colucciello was interviewed at the CCRB on March 27, 2003 (see enc. 26A-B). § 87(2)(g)

On June 27, 2002, at 6:00 AM, the 73rd Precinct Burglary Apprehension Team, which consisted of Sgt. Harrison, PO Alexandersen, PO McGarry and PO Weston, were assisting the anti-crime team of the 73rd precinct in executing a warrant at § 87(2)(b). The anti-crime team consisted of PO Centeno, PO Colucciello, and PO Bersch. PO Colucciello is the officer who obtained the search warrant, which was for the recovery of three firearms. PO Colucciello learned of the firearms through a confidential informant. PO Colucciello escorted ESU into the building and pointed out the correct apartment door for them to enter. Sgt. Harrison was assigned to work front security and ensure that no one either entered or exited the apartment once it was secured. PO Centeno was assigned roof security and was on the roof when ESU entered the apartment. PO Bersch was assigned front security and he was outside of the location until he was instructed to bring the dog kennel to the apartment. PO McGarry and PO Alexandersen provided rear security when ESU entered the apartment. Once the location was secured, they were notified and stood outside the apartment door to make sure that no one entered the apartment while the search was being conducted.

ESU officers from truck 7 were on the scene and gained entry into the apartment and secured the location. The ESU officers were the first officers to enter. None of the Precinct officers entered the apartment until ESU had secured the premises, and they then entered and searched the location. By the time the Precinct officers entered the location, all of the civilians were handcuffed and seated in the living room.

Sgt. Harrison explained to § 87(2)(b) that the police had gotten information that there was a firearm inside the location and a search warrant was therefore executed. Sgt. Harrison gave § 87(2)(b) his card, and said if she had any questions that she could call him. Sgt. Harrison did not recall § 87(2)(b) making any complaint to him about what had occurred when the warrant was executed.

Sgt. Harrison and PO Colucciello both stated that they have had prior contact with § 87(2)(b) in regards to criminal activity.

None of the Precinct officers observed force used against any of the civilians on the premises. They did not hear any officer state, "shut the fuck up," "nice butt" or say that they saw "pussy and ass."

No contraband was recovered as a result of the search warrant.

§ 87(2)(g)

§ 87(2)(g)

ESU Officers

PO Coleman and Det. Edward Menze were interviewed at the CCRB on November 14, 2002 (see enc. 21A-B, 22A-B). Sgt. White was interviewed at the CCRB on November 27, 2002 (see enc. 23A-B). PO Terence Brill was interviewed at the CCRB on January 8, 2003 (see enc. 24A-B). Det. Richard Miller was interviewed at the CCRB on May 27, 2003 (see enc. 27A-B). § 87(2)(g)

On June 27, 2002, officers from the Emergency Services Unit were assigned as the entry team for a search warrant to be executed at § 87(2)(b). At approximately 6:15 AM, the ESU officers took the door of the apartment and entered the premises. PO Coleman was assigned as the second bunker; his duty was to carry the shield and protect the officers behind him in case shots are fired. The officer assigned as front bunker, PO Miller, was the first officer to enter the apartment. Det. Menze was assigned to hold the sub-machine gun. Sgt. White was the fifth officer to enter the apartment, since he was in the supervisor position. Det. Brill was “tool man,” and his assignment was to breach entry into the doorway so that the remainder of the team could enter the premises.

When the officers entered the apartment, Det. Menze observed § 87(2)(b) in the main entrance of the apartment. Det. Menze stated that it is standard procedure for everyone to be put to the floor, but Det. Menze did not independently recollect how § 87(2)(b) was put to the floor. He believed she got to the floor on a verbal command, as all the officers shouted to get down when entering. Sgt. White stated that he grabbed § 87(2)(b) and told her to get down onto the floor, which she did. Sgt. White did not physically put § 87(2)(b) to the floor. Once § 87(2)(b) was on the floor, Sgt. White rear-handcuffed her. Sgt. White then remained with § 87(2)(b) while the remainder of the team proceeded to secure individuals in the rest of the apartment.

Sgt. White remained with § 87(2)(b) for approximately two minutes. He then made sure everyone else in the apartment was secure and that the team was ready to leave. No discourtesy was used when entering the apartment and no officer stated, “get the fuck on the floor.” § 87(2)(b) was not kicked. Det. Menze did not have any physical contact with § 87(2)(b).

Det. Menze veered off to the right of the apartment with his bunker, PO Coleman, and cleared the kitchen, bathroom and hallway areas. Det. Menze was then called to handcuff a § 87(2)(b) year old male black § 87(2)(b) who was in the far back bedroom. § 87(2)(b) was the only civilian that Det. Menze had physical contact with. Det. Menze stayed with § 87(2)(b) until the officers who secured the warrant, relieved the ESU officers. When PO Coleman exited the bedrooms, the apartment was fully secured and the individuals who were in the apartment were all handcuffed.

Force was not used with any residents of the apartment. No one was punched, kicked or struck with a gun. No discourtesy was used with any resident of the apartment. No officer stated, “shut the fuck up.” No officer commented on the females’ body parts, saying that a female had a “nice butt,” or saying that he saw “pussy and ass.”

It should be noted that Det. Brill and Det. Miller had no independent recollection of this incident.

Once the premises were secured, ESU turned the apartment over to the precinct officers and the ESU officers departed the scene.

Det. Dunston was not interviewed in conjunction with this investigation, as he retired on January 3, 2003. Det. Hernandez was not interviewed in conjunction with this investigation, as he retired on November 21, 2002. Det. Hayden was not interviewed in conjunction with this investigation because he is on extended military leave.

Medical Records

§ 87(2)(b) went to § 87(2)(b) on § 87(2)(b) (see enc. 28A-C), where she was diagnosed with muscle pain. § 87(2)(b) went to § 87(2)(b) on § 87(2)(b) (see enc. 29A-G) complaining of pain to his right back from being struck by police officers. He was diagnosed with a contusion to his back.

Police Documents

§ 87(2)(e), § 87(2)(f)

§ 87(2)(b) The Search Warrant for the location (see enc. 30B-C) indicates that firearms, ammunition, and documents relating to the ownership of the firearms could be located in the premises. The warrant gives officers the authority to enter the apartment to search for the above items, without prior notice or authority. The Post Warrant Execution Report (see enc. 32) indicates that ESU was requested to aid in the execution of a search warrant by the 73rd Precinct. ESU forcibly entered the location, secured four individuals, and a canine was removed from the location. Officers from the 73rd Precinct conducted the search and no contraband was recovered. The Animal Control Report (see enc. 34) states that the canine in the apartment was aggressive toward the entry team.

Officer's CCRB History

Sgt. Rodney Harrison has no substantiated CCRB cases against him.

Criminal Conviction History

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Conclusions and Recommendations

Credibility

§ 87(2)(g)

§ 87(2)(g)

Allegation A: Sgt. Rodney Harrison authorized the forcible entry and search of § 87(2)(b) (PG 212-75).

§ 87(2)(g) The existence of a valid no-knock search warrant (see enc. 30B-C) gave Sgt. Harrison, the Precinct officers and the ESU Apprehension Team to forcibly enter and search the location for contraband. The no-knock provision allowed the officers to enter the premises without announcing their presence § 87(2)(g)

Allegation B: An officer spoke obscenely and/or rudely to § 87(2)(b) and § 87(2)(b) (PG 203-09).

§ 87(2)(b) stated that a male white officer, 6'2-6'3, with a medium build, told her to "shut the fuck up."

§ 87(2)(b) stated that an officer, who he did not see, told him to "shut the fuck up." § 87(2)(g)

§ 87(2)(b) was shown single photographs of all the ESU officers who entered her apartment and she was unable to identify any subject officer. An ESU officer would have committed the allegation given that they were the first officers to enter the premises and the Precinct officers did not enter until after the location was secured. All of the ESU officers denied that this statement was ever made. § 87(2)(g)

Allegation C: An officer used physical force against § 87(2)(b) (PG 203-11).

§ 87(2)(b) stated that the same officer who spoke to her discourteously, pushed her to the ground and then kicked her in the side. As discussed above, § 87(2)(b) was shown single officer photographs of all the ESU officers on the scene and she was unable to identify the subject officer. Sgt. White, a black male, stated that he brought § 87(2)(b) to the floor but denied that she was kicked. However, § 87(2)(b) stated that the subject of this allegation was a white male. All of the other ESU officers interviewed denied taking § 87(2)(b) to the floor, or kicking her in the side. § 87(2)(g)

Allegation D: An officer struck § 87(2)(b) with a gun (PG 203-11).

§ 87(2)(b) stated that as he was lying in bed, and he had his face down, an officer struck him in the back with what felt like a gun. § 87(2)(b) was unable to see the officer who committed this allegation, and could not provide any description of him or any other officer in the room, and he therefore was not shown officer photographs. All of the ESU officers interviewed denied that § 87(2)(b) was struck with a gun or that physical force was used with § 87(2)(b) § 87(2)(g)

Allegation E: An officer made remarks to § 87(2)(b) based upon sex (PG 203-10).

§ 87(2)(b) stated that when she was on the floor, her nightgown was raised so that her buttocks were exposed. An officer, who § 87(2)(b) was unable to see and therefore unable to describe, commented that § 87(2)(b) had a "nice butt." § 87(2)(b) was shown officer photographs of all the possible subject officers, and she was unable to identify the officer who made this comment. § 87(2)(b) stated that he heard an officer, who he was unable to see and therefore unable to describe, state that he saw "pussy and ass." All of the ESU officers interviewed in conjunction with this investigation denied that either of the aforementioned comments were made. § 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: